

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

## **OPINION, MEMORANDUM AND ORDER**

This closed case is before the Court on plaintiff's post-dismissal motion for leave to file an amended complaint. For the following reasons, plaintiff's motion will be denied.

On August 25, 2022, the Court dismissed plaintiff's complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B). *See* ECF Nos. 6 and 7. The Court found plaintiff's claims were barred by the PLRA because he did not allege any physical injury. *Id.* In his motion to amend the complaint, plaintiff states in full:

Comes now, Anthony G. Moore, plaintiff, pursuant to 15(a) and 19(a), Fed.R.Civil Procedure, requesting leave to file an amended complaint.

1. Pursuant to Court's Order, plaintiff comes to amend original complaint/filing and to cure the discrepancies, or insufficiencies in that complaint/filing.
2. This Court should grant freely to amend a complaint. *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Although a district court “should freely give leave [to amend] when justice so requires, Fed. R. Civ. P. 15(a)(2), plaintiffs do not enjoy an absolute or automatic right to amend a deficient . . . [c]omplaint.” *United States ex rel. Roop v. Hypoguard USA, Inc.*, 559 F.3d 818, 822 (8th Cir. 2009) (internal quotation omitted). Moreover, “interests of finality dictate that leave to amend

should be less freely available after a final order has been entered.” *Id.* at 823. “Post-dismissal motions to amend are disfavored.” *In re Medtronic, Inc., Sprint Fidelis Leads Prods. Liab. Litig.*, 623 F.3d 1200, 1208 (8th Cir. 2010).

Plaintiff has not attached a proposed amended complaint to his motion for leave. Nor has he explained how he would correct the deficiencies in the original complaint. The Court will therefore deny his post-dismissal motion for leave to amend.

Accordingly,

**IT IS HEREBY ORDERED** plaintiff’s motion for leave to file an amended complaint [ECF No. 9] is **DENIED**.

Dated this 20<sup>th</sup> day of September, 2022.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE